

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
: OF FORFEITURE AS TO
: SPECIFIC PROPERTY/
: MONEY JUDGMENT
- v. -
JOSE LORA,
a/k/a "Che," : S4 16 Cr. 44 (KPF)

Defendant. :
- - - - - X

WHEREAS, on or about December 7, 2018, a two-count superseding Indictment, S4 16 Cr. 44 (KPF) (the "Indictment") was unsealed against JOSE LORA, a/k/a "Che," (the "defendant"), charging him with participating in a conspiracy to traffic heroin and cocaine, in violation of Title 21, United States Code, Sections 841(b) (1) (A) and 846 (Count One); and participating in a conspiracy to import heroin and cocaine into the United States, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1), and 963 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment; including but not limited to a sum of money in United States currency representing the amount of proceeds

traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about August 13, 2019, the defendant pled guilty to a lesser included offense of Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit a sum of money equal to \$2.5 million in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Count One of the Indictment (the "Money Judgment");

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$2.5 million in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Count One;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Max Nicholas, of counsel, and the defendant, and his counsel, David Wikstrom, Esq. that:

1. As a result of the offense charged in Counts One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$2.5 million in United States currency shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Money Judgment, this Consent Preliminary Order of Forfeiture as to Money Judgment is final as to the defendant, JOSE LORA, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall include the defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture as to Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service, shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Money Judgment to Assistant United States Attorney Andrew Adams, Co-Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

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8. The signature page of this Consent Preliminary Order of Forfeiture as to Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:


MAX NICHOLAS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1565



DATE

JOSE LORA

By:

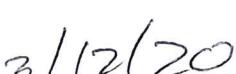

JOSE LORA



DATE

By:


DAVID WIKSTROM, ESQ.



DATE

SO ORDERED:


HONORABLE KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE



DATE